

## REMARKS

Favorable reconsideration in view of the previous amendments and following remarks is respectfully requested.

Claims 1-28 are pending. Currently, claims 13-28 are under examination, claims 1-12 having been withdrawn as a result of the May 2, 2008 Restriction Requirement. By this Amendment, claim 13 is amended. No new matter has been added.

Applicants appreciate the indication that claims 14 and 27 contain allowable subject matter.

The Office Action rejects claims 13, 18 and 26 under 35 U.S.C. §103(a) over the *Herrmann* publication in view of U.S. Patent No. 7,047,861 to *Solomon*; rejects claims 15, 19, 24 and 25 under 35 U.S.C. §103(a) over *Herrmann*, *Solomon* and further in view of U.S. Patent Application Publication No. 2002/0149510 to *Salzeder*; rejects claim 16 under 35 U.S.C. §103(a) over *Herrmann*, *Solomon* and further in view of U.S. Patent No. 7,086,318 to *Darnall*; rejects claim 17 and 28 under 35 U.S.C. §103(a) over *Herrmann*, *Solomon* and further in view of U.S. Patent No. 4,222,306 to *Maury*; rejects claims 20-23 under 35 U.S.C. §103(a) over *Herrmann*, *Solomon*, *Salzeder* and further in view of U.S. Patent No. 4,852,456 to *Thornburg*; and rejects claim 13 under 35 U.S.C. §103(a) over *Herrmann* in view of U.S. Patent No. 5,635,662 to *Robertson et al.*. These rejections are respectfully traversed.

Applicants' independent claim 13 is directed to a protective system apparatus for the protection of ships against terminal phase guided missiles. A target analysis system comprises at least one computer including a database in which appropriate decoy patterns for respective missile types and respective attack structures are

stored, which allow to generate, in dependence on the identified missile in the attack structure, a particular decoy pattern so as to effectively protect a ship against an identified threat.

Such features encompass Applicants' exemplary embodiment as illustrated in Fig. 8, wherein warning sensors detect approaching missiles, the respective missile type as well as its direction of approach and distance. This data is supplied to the central computer 2. The specific data relevant for a missile defense with regard to the detected missile type, is fetched from a correlation database or threat table.

The Examiner recognizes that the *Herrmann* publication lacks a computer including a database in which appropriate decoy patterns for respective missile type and the respective attack structure are stored. The Office Action asserts that either *Solomon* or *Robertson* patent overcome this deficiency of the *Herrmann* publication.

The *Solomon* patent discloses at column 6, lines 17-27 a basic strategy for a swarm of MRVs is 1) go to a battlefield theatre, 2) survey the terrain, 3) create a map, 4) secure the perimeter, 5) identify the objective, 6) compare the objective to mission program parameters, 7) have a lead MRV determine an attack objective, 8) create an initial assessment of the attack and update the map, 9) respond and adjust to the changing environment, 10) regroup, 11) re-attack with new approaches in order to more successfully achieve the objective of striking the target, 12) successively complete the mission, 13) rejoin the swarm and 14) return home.

As described in column 20 of the *Solomon* patent, enemy targets are identified by comparing sensor data with a data base image set (1640). If the sensor data matches the data base image set, a lead MRV identifies the enemy (1645). Once the enemy target is identified, the lead MRV selects a mission tactic to attack

the enemy (1650). The *Solomon* patent provides no disclosure of including in a data base appropriate decoy patterns for respective missile types and their respective attack structures which generate a decoy pattern.

The *Robertson* patent discloses a measuring module 23 responds to a command and control input signal 19 to determine a probability that a combat unit 11 will successively evade a threat projectile 12. Successful evasion of the threat is defined as avoiding detection and damage by the threat projectile 12.

There is no disclosure in either the *Solomon* patent or the *Robertson* patent of a data base in which appropriate decoy patterns or respective missile types in respective attack structures are stored which generate a particular decoy pattern so as to effectively protect a ship against an identified threat as in Applicants' independent claim 13.

Applicants' independent claim 13 also recites, in combination with other claimed features, that at least one decoy launcher is arranged in a dirigible. None of the applied references disclose this feature.

The dependent claims are allowable for at least the reasons discussed above, as well as for the individual features they recite.

The *Salzeder*, *Darnell*, *Maury* and *Thornburg* publications do not overcome the deficiencies of the *Herrmann* publication and the *Solomon* and *Robertson* patents noted above.

Early and favorable action with respect to this application is respectfully requested.

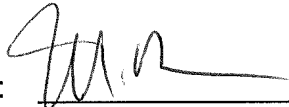
Should the Examiner have any questions regarding this Amendment or the application in general, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: April 28, 2010

By: \_\_\_\_\_



Michael Britton  
Registration No. 47260

**Customer No. 21839**  
703 836 6620